

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
MONDAY, JULY 26, 1999**

1

Juvenile      In re VICTORIA P., a Person Coming Under the Juvenile Court Law.  
No.            DEPARTMENT OF HEALTH AND HUMAN SERVICES  
C031829      v.  
                 DAVEDA P.  
                 BY THE COURT:  
                 Appellant's petition for rehearing is denied.  
Dated:           July 26, 1999

SCOTLAND, P.J.

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
TUESDAY, JULY 27, 1999**

2

Civil           MARIE WALDO                   (Not for Publication)  
No.            v.  
C030405       PATRICIA ANDRUS et al.  
              AMERICAN INSURANCE COMPANY

The amended judgment filed July 15, 1998, is modified on page two, line 25, to provide that the intervenor shall recover \$69,156.01 of the judgment. As thus amended, the judgment is affirmed. Neither party shall recover costs.

DAVIS, J.

We concur:           BLEASE, Acting P.J.  
                          RAYE, J.

Juvenile       In re KENTERROL TREVON W., a Person Coming Under the Juvenile  
              Court law.  
No.            THE PEOPLE                   (Not for Publication)  
C030385       v.  
              KENTERROL TREVON W.

The judgment is affirmed.

NICHOLSON, J.

We concur:           SCOTLAND, P.J.  
                          KOLKEY, J.

Crim.           THE PEOPLE                   (Not for Publication)  
No.            v.  
C029337       NICOLE COLETTE HENDERSON

The judgment is affirmed.

DAVIS, J.

We concur:           SIMS, Acting P.J.  
                          RAYE, J.

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
TUESDAY, JULY 27, 1999 CONTINUED**

3

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C030057 THOMAS GORDON WILLIAMS

The case is remanded to the trial court to rewrite the condition of probation to permit defendant possession and use of marijuana legally prescribed by Dr. Banister *under the Compassionate Use Act*; defendant must then be given the opportunity to accept or reject the condition. In all other respects, we affirmed the judgment.

RAYE, J.

We concur: SIMS, Acting P.J.  
DAVIS, J.

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C028545 MATTHEW BENJAMIN

The judgment is affirmed.

MORRISON, J.

We concur: BLEASE, Acting P.J.  
RAYE, J.

Crim. TH EPEOPE (Not for Publication)  
No. v.  
C028585 RICHARD FRANCIS MOORE

The judgment is affirmed.

MORRISON, J.

We concur: DAVIS, Acting P.J.  
CALLAHAN, J.

Juvenile In re ERIC C. et al., Persons Coming Under the Juvenile Court Law.  
No. PLACER COUNTY DEPARTMENT OF HEALTH AND HUMAN  
SERVICES (Not for Publication)

C029820 v.  
CANDI C.

The appeal is dismissed.

KOLKEY, J.

We concur: SCOTLAND, P.J.  
HULL, J

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
TUESDAY, JULY 27, 1999 CONTINUED**

4

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C029042 FLLOYD LEE MCKENZIE

The judgment is affirmed.

RAYE, J.

We concur: SIMS, Acting P.J.  
DAVIS, J.

Civil SONIA L. SALCEDO  
No v,  
C033088 GLORIA ALVARADO  
Civil SONIA L. SALCEDO  
No. v.  
C033090 REGENTS OF THE UNIVERSITY OF CALIFORNIA et al.  
BY THE COURT:

On the court's own motion, the above cases are consolidated. The cases are ordered consolidate for all further appellate procedures except that they will retain their respective case numbers. Whenever documents are submitted for filing by the parties, an original must be presented for each case number; however, if copies of documents are required pursuant to the California Rules of Court, the parties need only submit a maximum of four. The cases will be considered for decision together.

The Sacramento County Superior Court Clerk is directed to proceed with preparation of the combined record of appeal.

Dated: July 27, 1999

SOCTLAND, P.J.

Civil DANIEL GARRETT (Not for Publication)  
No. v.  
C030118 STATE FARM FIRE AND CASUALTY COMPANY

The judgment is affirmed.

DAVIS, J.

We concur: BLEASE, Acting J.  
KOLKEY, J.

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
TUESDAY, JULY 27, 1999 CONTINUED**

5

Civil            TOKERUD ASSOCIATES, etc., et al  
No.             v.                    (Not for Publication)  
C0328304      L J. SCHMELTER et al.  
Civil            Estate of LLOYD TOKERUD, deceased.  
No.             TOKERUD ASSOCIATES, etc., et al.  
                 v.                    (Not for Publication)  
C029552      INGOGLIA, MARSKEY, KEARNEY, LOBNER & BULL  
                 The judgments in *TOKERUD I* and *TOKERUD II* are affirmed.  
                 MORRISON, J.  
We concur:      BLEASE, Acting P.J.  
                 DAVIS, J.

WEDNESDAY, JULY 28, 1999

Crim.           THE PEOPLE                    (Not for Publication)  
No.             v.  
C028026      ALFRED ANTHONY GARCIA et al.  
                 The judgment is affirmed.  
                 KOLKEY, J.  
I concur:           SCOTLAND, P.J.  
I concur in the judgment and opinion.  
                 BLEASE, J.

Crim.           THE PEOPLE                    (Not for Publication)  
No.             v.  
C031623      BYRON EUGENE FOSTER  
                 The judgment is affirmed.  
                 CALLAHAN, J.  
We concur:        BLEASE, Acting P.J.  
                 RAYE, J.

Crim.           THE PEOPLE                    (Not for Publication)  
No.             v.  
C028668      DWAYNE POLLARD  
                 The judgment is affirmed.  
                 HULL, J.  
We concur:        SCOTLAND, P.J.  
                 NICHOLSON, J.

## 6

We concur:           DAVIS, J.  
                                  MORRISON, J.

We concur:           DAVIS, J.  
                                  MORRISON, J.

We concur: SCOTLAND, P.J.  
KOLKEY, J.

We concur: SCOTLAND, P.J.  
KOLKEY, J.

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
WEDNESDAY, JULY 28, 1999 CONTINUED**

7

Crim.           THE PEOPLE                           (Not for Publication)  
No.             v.  
C030940       LEON MADAN

Defendant is awarded 9 additional custody credits and 12 conduct credits for a total of 39 presentence credits. As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment accordingly and to forward a copy of the amended abstract of judgment to the Department of Corrections.

HULL, J.

We concur:           SCOTLAND, P.J.  
                          KOLKEY, J.

Juvenile       JOHN S. et al                           (Not for Publication)  
No.             v.  
C032335       SUPERIOR COURT OF SISKIYOU COUNTY  
                 CHILD PROTECTIVE SERVICES et al.

Let peremptory writ of mandate issue, directing respondent juvenile court to vacate its orders terminating reunification services and scheduling a section 366.26 hearing for August 2, 1999, and enter a new order directing DSS to provide petitioners with an additional 180 days or reunification services.

SCOTLAND, P.J.

We concur:           HULL J.  
                          KOLKEY, J.

**THURSDAY, JULY 29, 1999**

Juvenile       In re GARY G., a Person Coming Under the Juvenile Court Law.  
No.             THE PEOPLE                           (Not for Publication)  
C028905       v.  
                 GARY G.

The judgment (order committing the minor to CYA) is affirmed.

SCOTLAND, P.J.

We concur:           SIMS, J.  
                          MORRISON, J.

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
THURSDAY, JULY 29, 1999 CONTINUED**

8

Crim.           THE PEOPLE                           (Not for Publication)  
No.             v.  
C031379       MARK MATTHEW SHUMAN

The judgment is affirmed.

KOLKEY, J.

We concur:           SCOTLAND, P.J.  
                          HULL, J.

Juvenile       In re XAVIER A. et al., Persons Coming Under the Juvenile Court Law.  
                          (Not for Publication)

No.             SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN  
                          SERVICES

C032285       v.  
                          TRINA H.

The order of juvenile court terminating appellant's parental rights is affirmed.

KOLKEY, J.

We concur:           SCOTLAND, P.J.  
                          HULL, J.

Crim           In re WILLIAM L. STEWART, JR.  
No.             on Habeas Corpus  
C031093

(Not for Publication)

The judgment is affirmed.

NICHOLSON, J.

We concur:           DAVIS, Acting P.J.  
                          HULL, J.

Civil           Marriage of CAROL ANN AND KEVIN WEAVER KNIGHT  
No.             CAROL ANN KNIGHT (WEEKS)  
C027292       v.                           (Not for Publication)  
                          KEVIN WEAVER KNIGHT

The judgment is modified to reflect that Knight's child support obligation of \$369 is retroactive to October 3, 1996. As modified, to judgment is affirmed. The parties shall pay their own costs on appeal.

SCOTLAND, P.J.

We concur:           DAVIS, J.  
                          CALLAHAN, J.



**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
THURSDAY, JULY 29, 1999 CONTINUED**

9

Civil            In re the Marriage of DIANA L. QUILICI AND GARRETT BURKHART.  
No.            DIAND L. QUILICI  
C027807       v.            (Not for Publication)  
C029718       GARRETT BURKHART  
                 The judgment is affirmed.

CALLAHAN J.

We concur:            SCOTLAND, P.J.  
                              DAVIS, J.

Juvenile       In re RYAN C., a Person Coming Under the Juvenile Court Law.  
No.            THE PEOPLE  
C032083       v.  
                 RYAN C.  
                 BY THE COURT:

Pursuant to the written request of the appellant, the appeal filed  
March 11, 1999, is dismissed. It is further ordered that the remittitur issue  
forthwith. (See Cal. Rules of Court, rule 38.)

Dated:            July 29, 1999

SCOTLAND, P.J.

Civil            LETICIA LOPEZ  
No.            v.            (Not for Publication)  
C027316       ELOISE ANDERSON, as Director, etc.  
                 The judgment is affirmed.

CALLAHAN, J.

We concur:            SCOTLAND, P.J.  
                              BLEASE, J.

Civil            LAWRENCE D. MOORE et al.  
No.            v.            (Not for Publication)  
C029570       CITY OF REDDING  
                 The judgment is affirmed.

CALLAHAN, J.

I concur:            SCOTLAND, P.J.  
I concur in the judgment for reasons which follow.

...

BLEASE, J.

## 10

We concur:           BLEASE, Acting P.J.  
                                 NICOLSON, J.

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
FRIDAY, JULY 30, 1999 CONTINUED**

11

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C028294 ERNEST LEONARD DETORE

The jury verdicts and sentence thereon are affirmed. The prior-conviction finding and sentence thereon are vacated and the matter is remanded to allow the People to file a written demand for a new trial on the prior-conviction allegation within 30 days of the issuance of the remittitur. If the superior court does not receive a timely demand, after the 30<sup>th</sup> day it shall dismiss the allegation.

DAVIS, Acting P.J.

We concur: MORRISON, J.  
CALLAHAN, J.